

**REMARKS**

Favorable reconsideration and allowance is respectfully requested for claims 21-37 and 41-48 in view of the foregoing amendment and the following remarks.

It is noted with appreciation that claim 33 is deemed allowable.

Responsive to the rejections under 35 USC §112, second paragraph, by way of the foregoing amendment, the rejections are obviated. Regarding claims 23 and 24, it is respectfully submitted that the claim limitations further limit the installation as claimed. Regarding claim 21, the raw water inlet and the raw water feed pipe are not the same elements. These elements may be seen in Fig. 1 as reference numerals 9 and 14. Regarding the omission of essential structural elements, the Office Action notes that the second paragraph on page 4 apparently discloses that a basin or vessel is essential to the claimed invention. However, the second ~~paragraph~~ paragraph on page 4 does not require such a basin or vessel. The claimed invention however does require a filtration volume filled with water to be filtered. Accordingly, withdrawal of the rejections is respectfully requested.

Claims 21-32, 34-37 and 41-48 were rejected under 35 USC §103(a) as being unpatentable over Cote et al. in view of Simizu et al. and further in view of Norton. These rejections are respectfully traversed.

Cote et al. does not disclose or suggest, among other features, the membranes being immersed in a filtration volume filled with water to be filtered whose height of water above the membranes is adapted to create a differential pressure sufficient to provoke the filtration through the membranes, or that the membranes are

disposed in cylindrical containers thus forming modules, each said module comprising a raw water feed pipe connected to a top section of the module. Cote et al. discloses a negative pressure type of filtration system (see Col. 9, lines 41-44). In such a system, the suction pump 17 applies a negative pressure in the chamber 10 to thereby draw water through the membranes. The height of water above the membrane is not adapted to create a differential pressure sufficient to provoke the filtration through the membranes. In the system of Cote et al., ozone bubbles are injected to induce a flow of water to be treated in an upward direction around the membranes. Additionally, Cote et al. does not show the membranes being disposed in cylindrical containers forming modules, each said module comprising a raw water feed pipe connected to a top section of the module. Cote et al. shows a sheath partially around the membranes. No raw water feed pipe is connected to the top of the sheaths or membranes. As seen in Fig. 5, water is conveyed at reference numeral 8 into the membrane section where it passes vertically up against the membranes and is discharged at reference numeral 8a. The feed of ozone as shown in Fig. 5 as reference numeral 6 is not a raw water feed pipe. As disclosed in Cote et al., the filtration of the water is accomplished via a suction pump and ozone bubbles imparting a current to the water.

Neither Simizu et al. or Norton rectify the deficiencies of Cote et al. Simizu et al. does not disclose or suggest, among other features, the membranes being immersed in a filtration volume filled with water to be filtered, whose height of water above the membranes is adapted to create a differential pressure sufficient to

provoke the filtration through the membranes, or that the membranes are disposed in cylindrical containers thus forming modules, each said module comprising a raw water feed pipe connected to a top section of the module. Simizu et al. shows a liquid purifying device which acts under pressurized water. The water or liquid in Simizu et al. is pressurized in a container and forced through the membrane 62. The height of water above the membranes is not adapted to create a differential pressure sufficient to provoke the filtration through the membranes. Simizu et al. uses a pressurizing source such as pump 201, canister 134 or pump 32. Moreover, Simizu et al. shows the membrane 62 within chamber 60 which is fed from the lower parts of the container 10. The water pressurized flows up to the membrane 62 via a conduit 56. Simizu et al. does not show the module comprising a raw water feed pipe connected to a top section of the module.

Likewise, Norton does not disclose or suggest, among other features, the membranes being immersed in a filtration volume filled with water to be filtered whose height of water above the membranes is adapted to create a differential pressure sufficient to provoke the filtration through the membranes, or that the membranes are disposed in cylindrical containers thus forming modules, each said module comprising a raw water feed pipe connected to a top section of the module. In Norton, a faucet mounted filter is disclosed. This type of filter operates by pressurized water in a tap source. The pressurized water flows through pipe 10 and encounters the filter assembly. Norton does not show height of water above the membranes as adapted to create a differential pressure sufficient to provoke

filtration through the membranes. Moreover, the filtration membranes in Norton are not disposed in cylindrical containers forming modules. Thus, it is respectfully submitted that the claimed invention is patentably distinguishable over the cited art, as noted above. Accordingly, withdrawal of the rejections is respectfully requested.

A prima facie case of obviousness has not been established in connection with the combination of references. One of ordinary skill in the art would not seek to combine the disclosure of Norton or Simizu et al. with that of Cote et al. Norton and Simizu et al. operate on a positive water pressure principle. Cote et al., on the other hand, operates on a suction-type principle. Note that both of these principles are different from that which is claimed. In addition, the motivations to combine as alleged in the Office Action are improper. For the combination of Cote et al. and Simizu et al., the motivation to combine is simply given as one of ordinary skill in the art would expect the operation of the membrane in Simizu et al. to perform in the system of Cote et al. The motivation to combine references must be found within the references or in the general knowledge available in the art. Further to the motivations to combine Norton, the simple statement that it would have been obvious to substitute one element for another is not a proper motivation to combine. Thus, as one of ordinary skill in the art would not look to Norton or Simizu et al. in order to modify Cote et al. and that the motivations to combine are improper, a prima facie case of obviousness has not been established. Accordingly, withdrawal of the rejections is respectfully requested.


In view of the foregoing amendments and remarks, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #2143/49565).

Respectfully submitted,

May 9, 2003

  
\_\_\_\_\_  
Jeffrey D. Sanok  
Registration No. 32,169  
William G. Ackerman  
Registration No. 45,320

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
(038697)